

Anthony V. James
Procurement Counsel

The Verizon Wireless logo features a stylized checkmark symbol above the word "verizon" in a bold, lowercase sans-serif font, followed by "wireless" in a lighter, lowercase sans-serif font.

Verizon Wireless
180 Washington Valley Rd
Bedminster, New Jersey 07921

Phone 908 306-7085

Fax 908 306-6836

March 14, 2002

CERTIFIED MAIL / RETURN RECEIPT REQUESTED

Cynthia Hoemann
Associate County Counselor
St. Louis County
41 S. Central, 9th Floor
St. Louis, Missouri 63105

Dear Ms. Hoemann,

As you know, Verizon Wireless ("VZW") committed to the Federal Communications Commission to provide you with Phase II E911 capability by April 1, 2002. VZW is obligated to provide this capability to St. Louis and certain other jurisdictions in areas covered by a valid request. We are writing to confirm that we have completed the installation of the network-based technology needed to provide you with Phase II service and stand ready to activate your service when you are Phase II-capable.

In response to your Phase II request, VZW has undertaken the following:

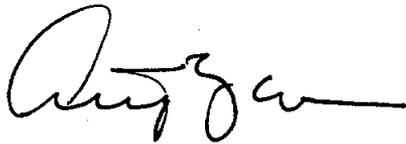
- Performed an analysis of the radiofrequency coverage for the cell sites serving St. Louis and surrounding counties. Identified 78 sites within the boundaries of St. Louis County and 26 cells in adjacent county areas for a total of 104 sites for use in the Phase 2 coverage analysis of St. Louis County.
- Organized and held a kickoff meeting with St. Louis County Emergency Management officials on 1/17/02.
- Installed 104 Position Determining Entity (PDE) receivers at the sites identified in the coverage analysis stage.
- Installed 3 sites with Angle of Arrival (AOA) antennas. These antennas are separate from the existing cellular antennas and required a separate real estate lease and payment setup with the tower/building owner.
- Installed data circuits from each identified cell site to VZW's local Mobile Switching Center (MSC). These were installed to permit the PDE receiver to

pass off RF-measured data to the main processor, so it can calculate the caller's position and forward to the Public Safety Answering Point (PSAP).

- Generated and forwarded site maps to St. Louis County for its records.
- Held numerous conference calls with emergency management officials to discuss technical overview, timelines, performance, and expected support for proper service launch.

We are unable to activate the service, however, because the County has not agreed to pay Southwestern Bell Telephone ("SWBT") for charges associated with the selective router, and for this reason, SWBT has declined to provision trunks from VZW's MSC to the selective router. In a letter February 7, 2002, which was addressed to SWBT and copied to the County, VZW reiterated its willingness to pay for charges on the wireless side of the demarcation point, including the aforementioned trunking, consistent with Wireless Telecommunications Bureau guidance in the *King County* decision and the FCC's *Richardson* decision. VZW has devoted considerable resources to your request and stands ready to provide this important service to the public. Given the importance of cooperation and the substantial nature of VZW's investment, we hope the County can agree with SWBT to bring this matter to closure soon.

Sincerely,



Anthony V. James
Senior Counsel

cc: Paula Fulks
Senior Counsel
Southwestern Bell Telephone Company
208 S. Akard
Dallas, Texas 75202

Francis Malnati
Executive Director - Regulatory, Verizon Wireless

Enc. Map of Coverage Area
Letter to SWBT dated February 7, 2002

Coverage Area

A map of the coverage area as defined by Verizon Wireless (VZW) and Grayson Wireless is shown in Figure 1. The dashed blue line outlines the PSAP boundary. This area is approximately 1665 km².

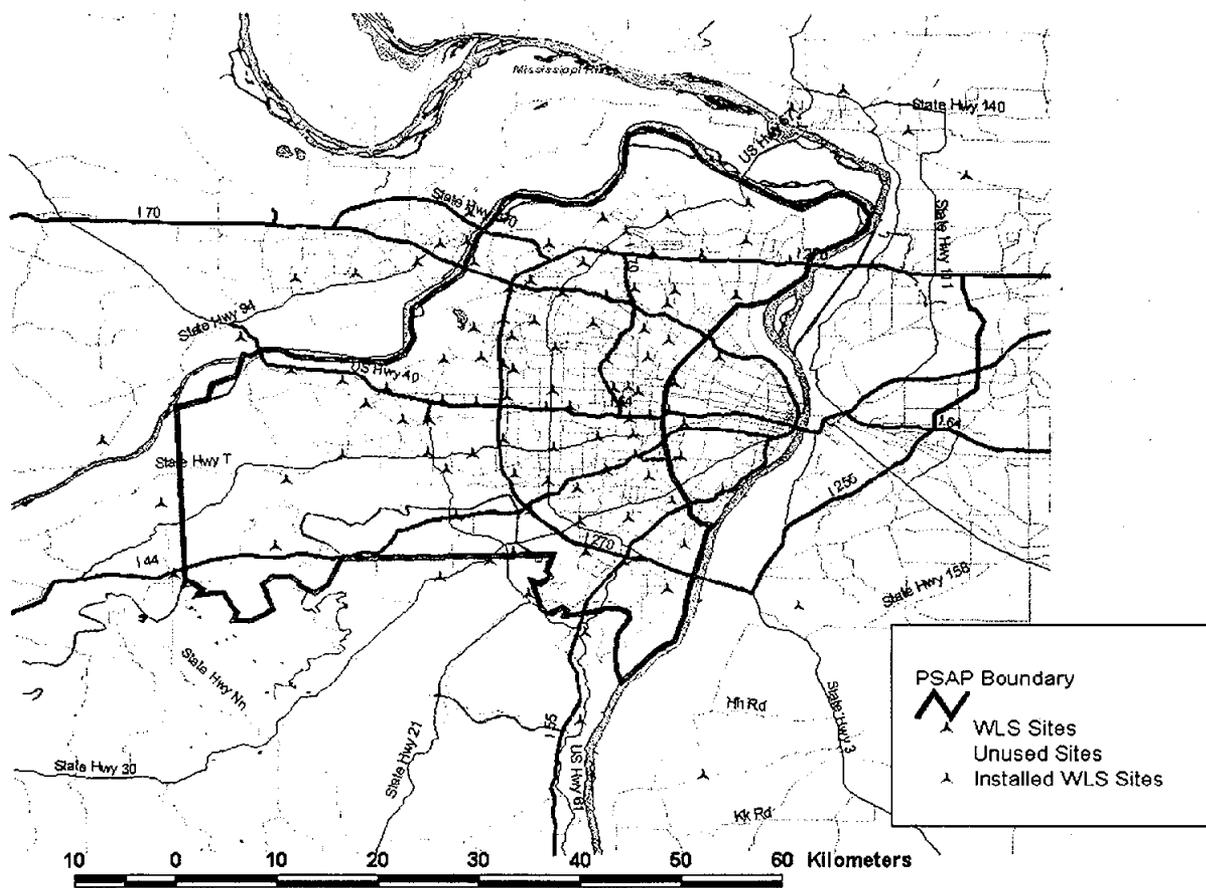


Figure 1. Coverage Area and WLS sites

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180 Washington Valley Rd
Bedminster, New Jersey 07921

Phone 908 306-7085

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February 7, 2002

CERTIFIED MAIL / RETURN RECEIPT REQUESTED

Paula Fulks
Senior Counsel
Southwestern Bell Telephone Company
208 S. Akard
Dallas, Texas 75202

Dear Ms. Fulks:

This letter reiterates Verizon Wireless' position with respect to the problems that we must address in order to provide E911 service to St. Louis County, MO. In order to provide E911 service, Verizon Wireless requires trunking facilities to connect its mobile switching center to Southwestern Bell Telephone's (SWBT) selective router. Verizon Wireless has requested that such facilities be provided. To date, SWBT's unwillingness to permit Verizon Wireless to obtain facilities has frustrated Verizon Wireless' efforts to deploy the E911 Phase I service requested by St. Louis County.

On our January 30, 2002 conference call, also attended by representatives from St. Louis County, SWBT indicated that its tariff bars SWBT from accommodating Verizon Wireless' request for trunking absent an agreement (from either Verizon Wireless or St. Louis County) to pay for all other E911-related services (including those costs associated with SWBT's selective router) that are within the scope of, and chargeable under, the SWBT tariff.

There is nothing explicit or implicit in the language of this tariff that requires this result or that requires SWBT to withhold provisioning E911 service-related facilities to Verizon Wireless up to the selective router. Moreover, there is no language which would compel Verizon Wireless to first enter a separate reimbursement agreement with St. Louis County or, for that matter, bear any of these costs up front.¹

In any event, such a construction of the tariff would be contrary to, and inconsistent with, the FCC's interpretation of its own orders that allocate E911 provisioning responsibilities between wireless

¹ See generally SWBT's General Exchange Tariff, P.S.C. MO 35, Section 31 Original Sheet 6, Footnote 1 and the Rules and Regulations referenced in Section 28 of the same General Exchange Tariff, P.S.C. MO 35

carriers and PSAPs.² You have responded that the FCC's allocation of the parties' provisioning responsibilities is unclear. However, as we have pointed out, the FCC (through its Wireless Telecommunications Bureau) has clearly stated that it is the responsibility of the wireless carrier to provision facilities up to the selective router and not beyond.³ In addition, the Bureau stated that it was the responsibility of the PSAP to bear "the costs of maintaining and/or upgrading the E911 components and functionalities beyond the input to the selective router, including the 911 Selective Router itself, the trunks between the 911 Selective Router and the PSAP, the Automatic Location Identification ("ALI") database, and the PSAP customer premises equipment ("CPE")."⁴

You have responded that the Wireless Bureau's actions in this regard are not, in any case, binding on SWBT. Here, SWBT appears to be effectively taking the position that the wireless carrier should bear responsibility for provisioning E911-related services beyond the demarcation point identified in the *Sugrue* letter. However, no FCC existing decision or order has directed such an allocation under the circumstances present here.

As between Verizon Wireless and St. Louis County, I should note that the County's request for Phase II E911 Service is not ripe. A wireless carrier's provisioning obligations do not arise unless a PSAP has made a timely request to the appropriate local exchange carrier for necessary trunking and other facilities, including necessary ALI database upgrades, to enable E911 data to be transmitted to the PSAP.⁵ Statements made by St. Louis County representatives on our call confirm, however, that St. Louis County has yet to make a proper request to SWBT that conforms to *Richardson*. It is clear that a wireless carrier is not required to provision in the absence of a valid request. Nevertheless, a wireless carrier could elect, in its discretion and in anticipation of the PSAP's obtaining facilities from the LEC, to start provisioning (or coordinate provisioning) on its side of the selective router.

Ultimately, the issue of how E911 services are to be provided beyond Verizon Wireless' demarcation point, if at all, is a matter that St. Louis County must resolve in coordination with SWBT. The SWBT tariff should not, and need not, be construed by SWBT to preclude the wireless carrier from provisioning (or coordinating with the LEC for provisioning) of interconnection facilities on its side of the selective router. To draft or construe the SWBT tariff in a manner that would interject the wireless carrier into this provisioning process beyond the demarcation point is inappropriate and, ultimately, frustrates the establishment of E911 service.

² Letter from Thomas Sugrue, Chief, Wireless Telecommunications Bureau to Marlys R. Davis, 2001 WL 491934 (F.C.C.) dated May 7, 2001 ("*King County*").

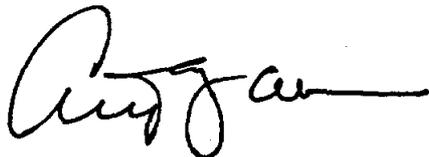
³ *Id.*

⁴ *Id.* *King County* is also supported by another recent FCC decision, *In the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Order, 2001 WL 1242370 (FCC), released October 17, 2001. ("Richardson")*, which provides conditions for determining the validity of PSAP requests for the E911 service. In this latter decision, the FCC stated that wireless carriers can request proof of PSAP readiness to receive and utilize the service and that a PSAP request will be deemed valid upon making certain showings. One required showing affirms the PSAPs' responsibility for selective router charges. The FCC stated, "Finally, the PSAP must demonstrate that it has made a timely request to the proper LEC for the facilities and equipment necessary to receive and utilize the Phase II data elements. Such facilities and equipment could include upgrades to the selective router, trunking and ALI database." *Richardson* at ¶ 16.

⁵ See *Richardson*.

Verizon Wireless intends to meet obligations to provide E911 service in accordance with the FCC mandates. SWBT's rejection of Verizon Wireless' timely request for facilities may have already placed Verizon Wireless in jeopardy of missing its FCC-mandated deployment target. Accordingly, we request that SWBT immediately reconsider its decision to deny Verizon Wireless access to those network elements controlled by it.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony V. James". The signature is fluid and cursive, with a long horizontal stroke at the end.

Anthony V. James
Senior Counsel

cc: Cynthia Hoemann
Associate County Counselor
41 S. Central, 9th Floor
St. Louis, Missouri 63105

Francis D. Malnati
Executive Director -- Regulatory, Verizon Wireless